

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

A.M.C., by her next friend, C.D.C., *et al.*,

Plaintiffs,

v.

STEPHEN SMITH, in his official capacity as
Deputy Commissioner of Finance and
Administration and Director of the Division
of TennCare,

Defendant.

Civil Action No. 3:20-cv-00240
Chief District Judge Crenshaw
Magistrate Judge Newbern

DEFENDANT’S MOTION TO DECERTIFY THE CLASS

Pursuant to Local Rule 7.01(a) and FED. R. CIV. PRO. 23 and for the reasons set forth in the accompanying memorandum, Defendant Stephen Smith respectfully moves this Court to decertify the Class and Disability Subclass it previously certified on August 9, 2022. Memorandum and Opinion (Doc. 234). Plaintiffs are opposed to this motion.

As the accompanying memorandum explores in detail, decertification is appropriate and necessary following the recently issued decision of the Sixth Circuit in *Speerly v. General Motors*, 143 F.4th 306, 315 (6th Cir. 2025) (en banc) clarifying the standard that must be met to meet the “commonality” requirement of Rule 23(a). *Speerly* requires that to establish the commonality required to sustain a class action, plaintiffs must pose a common question (or questions) answerable with a “yes” or “no” as to *every* member of the class. *Id.* at 316–19. And, it is not enough that there is some generally phrased question that is applicable to the entire class. *Id.* at 320. “A common question must ‘resolve an issue that is central to the validity of each one of the claims.’” *Id.* at 317 (quoting *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 350). Determining

whether that is the case requires each cause of action asserted by purported class plaintiffs to be evaluated individually and for each cause of action to be broken down by its elements to determine whether plaintiffs have shown common questions that “affect at least one element of all ... claims.” *Id.* at 317 (quotations omitted). And that question must be answerable with common evidence for all members of the purported class. *Id.*

None of the certified questions on which this Court found liability meet *Speerly*’s “stringent requirements.” *Id.* at 315. Thus, under a straightforward application of the Sixth Circuit’s recent en banc decision in *Speerly*, Plaintiffs’ class must be decertified.

September 9, 2025

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Respectfully submitted,

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*Appearing *pro hac vice*

**Application for *pro hac vice* admission
pending

Counsel for the Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served via the Court's electronic filing system on this 9th day of September, 2025.

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